

CHAPTER 3: BLOCKED CROSSINGS

CHAPTER OVERVIEW

This chapter provides a state by state survey of statutory provisions concerning the blocking of crossings by railroads, the exceptions to the law and the penalties imposed if they are listed in the code section. The majority of states place restrictions on the amount of time a highway-rail crossing can be blocked. The laws and regulations vary, but never do they exceed more than ten minutes. A number of states list an exception for emergencies or circumstances beyond the control of the railroad company. That is not to say that the individual cities and towns within those states with no relevant statute do not have an ordinance restricting the blocking of highway-rail crossings within their jurisdictions. A number of them do, but to list them all would extend beyond the scope of this book.

STATE LAWS AND REGULATIONS

ALABAMA

Alabama has no applicable statute.

ALASKA

Alaska has no applicable statute.

ARIZONA

Arizona allows a train to block a crossing for fifteen minutes. It makes an exception for emergencies, unavoidable accidents or circumstance beyond the control of the railroad company. Ariz. Rev. Stat. Ann. § 40-852 (1999).

Penalty

A violation of this section is a Class 2 misdemeanor. Ariz. Rev. Stat. § 40-852 (1999).

ARKANSAS

Arkansas has no applicable statute.

CALIFORNIA

California law has a special provision concerning blocked crossings as a pilot project in Stanislaus County. The law, passed in 1998, is scheduled to be repealed on January 1, 2002.

Any public grade crossing blocked by a stopped train, other than a passenger train, shall be opened within 10 minutes, unless no vehicle or pedestrian is waiting at the crossing. The cleared crossing shall be left open until it is known that the train is ready to depart. When recoupling such a train at the crossing, movement shall be made promptly and consistent with safety. The code section declares that switching over public grade crossings shall be avoided whenever reasonably possible. If not reasonably possible, public grade crossings shall be cleared frequently to allow a vehicle or pedestrian to pass and shall not be occupied continuously for longer than 10 minutes unless no vehicle or pedestrian is waiting at the crossing. Cars or locomotives are not to be left standing, or switches left open, within the controlling circuits of automatic gate protection devices unless time-out features are provided to allow the gate arms to rise.

There is no restriction on time for crossing occupancy for a moving train continuing in the same direction. These time limits provisions also do not apply to any blocked crossing resulting from compliance with state and federal laws and regulations, terrain and physical conditions, adverse weather conditions, conditions rendering the roadbed or track structure unsafe, mechanical failures, train accidents, or other occurrences over which the railroad has no control, except that the crossing is to be cleared with reasonable dispatch. Cal. [Pub. Util.] Code § 1225.2 (1999). The statute does provide for a procedure by which any railroad or public agency (state, city, county) may, by application, request a variance from the law in connection with operations over a specific crossing where local conditions so require. Cal. [Pub. Util.] Code § 1225.2-.4 (1999).

Penalty

A railroad that violates any of the provisions of the section shall be deemed guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars for each violation. Every violation of the chapter is considered a separate and distinct offense, and, in case of a continuing violation where a time limit is not specified, each day's continuance of a violation will be considered a separate and distinct offense, with a fine imposed for each offense. Where a time limit is specified, it shall be a separate and distinct offense for each delay of that specified time, with a fine imposed for each offense. Cal. [Pub. Util.] Code § 1225.2(j) (1999).

COLORADO

Colorado has no applicable statute.

CONNECTICUT

Connecticut has no applicable statute.

DELAWARE

Delaware allows trains to block crossings for no more than ten minutes at a time, although exceptions may be made for emergencies. Del. Code Ann. tit. 17, § 701 (1999).

Penalty

A railroad in violation may receive a fine of not less than five hundred and not more than one thousand dollars for the first conviction and not less than one thousand nor more than two thousand dollars for each subsequent conviction occurring within a year. Del. Code Ann. tit.17, § 701(c) (1999).

DISTRICT OF COLUMBIA

District of Columbia law states that the directing officer or operator of any railroad train may not block any street for more than five minutes at a time. This does not apply to trains or cars in motion other than those engaged in switching. 18 DCMR § 2211.7 (1998).

No highway or railway crossing in the District of Columbia on which tracks of steam railroad are laid may be obstructed by any train, locomotive, car, or crossing gates for a period longer than five minutes, nor shall a train, locomotive, car, or cars be parked or stored on a street for an unreasonable time. 24 DCMR § 120.7 (1998)

Penalty

The Code of Municipal Regulations does not list a specific penalty; only that the supervisor of tracks or yardmaster shall be held liable and subject to prosecution for obstructions by crossing gates when, by his or her order, they are kept down for a longer time than is permitted by the regulations. 24 DCMR § 120.8 (1998).

FLORIDA

Florida law provides that, whenever a railroad train is engaged in a switching operation or stops so as to block a public highway, street or road at any time from one-half hour after sunset to one-half hour before sunrise, the crew of the train has the responsibility to place a lighted fusee or other visual warning device in both directions from the train or at the edge of the pavement of the highway, street or road to warn approaching motorists.

This requirement does not apply to grade crossings where automatic warning devices are properly functioning or at which there is adequate lighting. Fla.. Stat. Ann. § 351.03(5)(a) (1999).

Another section of the code provides that, except for trains or equipment stopped due to mechanical failure where separation or movement is not possible, any train or equipment that has come to a complete stop and is blocking a railroad-highway grade crossing must be cut, separated, or moved to clear the crossing upon the approach of any emergency vehicle. Fla.. Stat. Ann. § 351.034 (1999).

Penalty

A violation of Section 351.03(5)(a) is a misdemeanor of the second degree, punishable as provided in Sections 775.082 and 775.083.

GEORGIA

Georgia law provides that no member of a train, yard or engine crew of a railroad will be held personally responsible for or found guilty of violating any laws or ordinances regarding the blocking of roads or streets upon reasonable proof that any blocking was necessary to comply with the orders or instructions of the employer or supervisory officials of the railroad company. Ga. Code Ann. § 46-8-197 (1999).

HAWAII

Hawaii has no applicable statute.

IDAHO

Idaho law provides that no person or government agency operating a train will do so in a manner so as to prevent vehicular use of any highway for a period of time in excess of fifteen consecutive minutes. Idaho Code § 49-1425 (1999).

The statute lists a number of exceptions:

- 1) When necessary to comply with signals affecting the safety of the movement of trains.
- 2) When necessary to avoid striking any object or person on the track.
- 3) When the train is stopped to comply with a government safety regulation.
- 4) When the train is disabled.
- 5) When the train is in motion, except while engaged in switching operations.
- 6) When there is no vehicular traffic waiting to use the crossing.

ILLINOIS

It is unlawful in Illinois for a railroad to permit any train, railroad car or engine to obstruct public travel at a highway-rail grade crossing for a period in excess of ten minutes, except where the train is continuously moving or cannot be moved due to circumstances beyond the railroad's control. 625 ILCS 5/18c-7402 (b) (1998).

Every railroad has the responsibility to operate in such a manner as to minimize obstructions of emergency vehicles at crossings. If any such obstruction occurs and the train crew is aware of the obstruction, the crew is to take immediate action, consistent with safe operating procedures, to remedy the situation. 625 ILCS 5/18c-7402 (a) (1998).

Penalty

A violation is a petty offense and a fine is affixed of not less than two hundred nor more than five hundred dollars if the duration of the obstruction is in excess of ten minutes but no longer than fifteen minutes. If the duration exceeds fifteen minutes, the violation shall be a business offense and the following fines may be imposed:

- 1) If the duration of the obstruction is in excess of fifteen minutes but no longer than twenty minutes, the fine is five hundred dollars.
- 2) If the duration is in excess of twenty minutes but no longer than twenty-five minutes, the fine shall be seven hundred dollars.
- 3) If the duration is in excess of twenty-five minutes, but no longer than thirty minutes, the fine shall be nine hundred dollars.
- 4) If the duration is in excess of thirty minutes but no longer than thirty-five minutes, the fine shall be one thousand dollars.
- 5) If the duration of the obstruction is in excess of thirty-five minutes, the fine shall be one thousand dollars plus an additional five hundred dollars for each five minutes of obstruction in excess of twenty-five minutes. ILCS 5/18c-7402 (1998).

INDIANA

Indiana law prohibits trains from blocking crossings for more than ten minutes, except in circumstances where the train, railroad car or engine cannot be moved and for which the railroad company has no control. Ind. Code Ann. § 8-6-7.5-1 (Burns 1999).

Indiana requires that there be vehicular traffic waiting to use the crossing. It is unlawful to permit successive train movements to obstruct vehicular traffic previously delayed by train movements that has been cleared for a period of five minutes between train movements. Ind. Code Ann. § 8-6-7.5-2 (Burns 1999).

Penalty

Any railroad corporation, conductor or engineer who violates the statute commits a Class C infraction. However, no conductor or engineer acting under orders or within the rules of the railroad corporation, may be prosecuted for such a violation. Ind. Code Ann. § 8-6-7.5-3 (Burns 1999). Also see § 34-4-32 for infraction and ordinance violation enforcement proceedings.

IOWA

Iowa law prohibits the blocking of a crossing by a railroad corporation or its employees for a period of time in excess of ten minutes except under the following circumstances:

- 1) When necessary to comply with signals affecting the safe movement of trains.
- 2) When necessary to avoid striking an object or person on the track.
- 3) When the train is disabled.
- 4) When necessary to comply with government safety regulations, including but not limited to, speed ordinances and regulations.

Iowa also permits a political subdivision to pass an ordinance regulating the length of time a specific crossing may be blocked provided the political subdivision can demonstrate that such an ordinance is necessary for public safety or convenience. Iowa Code § 327G.32 (1999).

Penalty

Any officer or employee found guilty of violating the section is, upon conviction, subject to a penalty. Iowa Code § 327G.32 (1999).

KANSAS

Kansas prohibits trains from blocking crossings for more than ten minutes without leaving an opening in the traveled portion of the roadway of at least thirty feet. Kan. Stat. Ann. § 62-273 (1999).

Penalty

A violation is a misdemeanor and the penalty is as follows:

- 1) Fifty dollars if the blocking is for more than ten minutes but less than twenty minutes.

- 2) One hundred fifty dollars if the blocking is for more than twenty minutes but less than thirty minutes.
- 3) Three hundred dollars if the blocking is for more than thirty minutes.

The statute provides that no one is to be held personally responsible if it can be shown that he was acting due to circumstances beyond his control or as a result of orders issued by a superior or the railroad. Kan. Stat. Ann. § 66-274 (1999).

KENTUCKY

Kentucky permits trains to block crossings for no more than five minutes at any one time. Moving trains are exempted and other exceptions are made for emergencies or circumstances beyond the control of the railroad. Ky. Rev. Stat. Ann. § 277.200 (Baldwin 1999).

Penalty

Any railroad company that violates the provisions of the section shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. If a grade crossing or drawbridge is obstructed by two or more trains stopping and standing thereon in succession without allowing accumulated highway or water traffic to pass, the obstruction by each successive train constitutes a separate offense. Ky. Stat. Ann. § 277.990 (7) (Baldwin 1999).

LOUISIANA

Louisiana has two statutes that pertain to blocked crossings; both of which are the result of revisions made by the legislature in 1998. The Louisiana Department of Transportation and Development has full responsibility to promulgate rules and regulations for the implementation and administration of the obstruction statute.

It is unlawful in Louisiana for any train, railroad car or equipment, or engine to obstruct vehicular traffic at a public highway railroad grade crossing for more than twenty consecutive minutes, except when moving or when movement is prevented by any of the following:

- (a) A power failure or other mechanical failure.
- (b) Enforcement of the hours of Service Act.
- (c) Derailment or other accident.
- (d) A directive of the Federal Railroad Administration.
- (e) Circumstances over which the railroad company or carrier has no reasonable control, such as a natural disaster or acts of third parties.

The statute provides that no employee performing his duties under the operating rules or orders of the railroad company or carrier or its supervisory personnel may be prosecuted for any violation of this section.

Penalty

The statute allows for an incremental fine system based on the duration of the obstruction:

(a) A duration in excess of twenty minutes, but not longer than twenty-five minutes, the fine shall be not less than two hundred dollars nor more than five hundred dollars.

(b) A duration in excess of twenty-five minutes, but not longer than thirty minutes, the fine shall be five hundred dollars.

(c) A duration in excess of thirty minutes, but no longer that thirty-five minutes, the fine shall be seven hundred dollars.

(d) A duration in excess of thirty-five minutes, but no longer than forty minutes, the fine shall be nine hundred dollars.

(e) A duration in excess of forty minutes, but no longer than forty-five minutes, the fine shall be one thousand dollars.

(f) A duration in excess of forty-five minutes will result in a fine of one thousand dollars plus an additional five hundred dollars for each five minutes of obstruction in excess of forty-five minutes. However, the maximum fine can not exceed five thousand dollars for an obstruction which occurs within a twenty-four hour period.

All railroads within the state are to be operated in such a manner as to minimize obstruction of emergency vehicles at public grade crossings.

Upon receiving notification from a law enforcement officer, member of a fire department, operator of an emergency vehicle, or a member of an emergency services provider that emergency circumstances require the clearing of a public highway railroad grade crossing, the member of the train crew of the train, railroad car or equipment, or engine blocking such crossing shall immediately notify the appropriate railroad dispatcher of the pending emergency situation and request the clearing of the crossing, consistent with the safe operation of the train.

Every railroad dispatcher or other person responsible for the movement of a train, railroad car or equipment, or engine in a specified area who receives notification that a train, railroad car or equipment , or engine is obstructing the movement of an emergency vehicle at any crossing within such area shall immediately notify the train crew through use of existing communication facilities. Upon notification, the train crew shall take immediate action.

Any person riding upon a train, railroad car or equipment, or engine which is running through or within Louisiana who is accountable for the movement of the train, car or equipment, or engine shall keep on his person or upon the train, railroad car or equipment, or engine written identification of the person, corporation, firm, or agent by whom he is employed.

It shall be the responsibility of any railroad company or carrier operating any railroad, engine, or train within Louisiana to inform the chief law enforcement officer of each parish or municipality in which it operates of the telephone numbers of the railroad dispatch center having jurisdiction over such railroad, engine, or train in the parish or municipality. The information shall be updated every six months.

Any railroad or public agency may, by formal application to the Department of Transportation and Development, request a variance from the requirements of this Section or have different regulations provided in connection with operation over a specific crossing where local conditions require. The application shall list any public agencies within the geographic area or any railroads which may be affected by the variance and shall detail any previous steps which may have been taken in an attempt to reach an agreement on or

alternative to the proposed variance. La. Rev. Stat. Ann. § 48:391 (West 1998). See also Section 48:392 which is essentially the same statute except that it makes a distinction between moving and nonmoving trains.

MAINE

Maine has no applicable statute.

MARYLAND

Maryland has no applicable statute.

MASSACHUSETTS

Massachusetts law expressly prohibits trains from blocking crossings for more than five minutes. Mass. Ann. Laws ch. 160, § 151 (1999).

Penalty

A railroad corporation or employee thereof who violates the statute shall forfeit not less than two hundred nor more than five hundred dollars. Mass. Ann. Laws ch. 160, § 151 (1999).

MICHIGAN

Michigan law prohibits trains from obstructing vehicular traffic at a public street or highway for longer than five minutes at any one time. An exception is allowed for continuously moving trains at not less than ten miles per hour in the same direction for a period up to seven minutes. Exceptions are also made when the railroad can show that the blocking occurred because of a verifiable accident, mechanical failure or unsafe condition.

The law also does not permit successive train movements to obstruct vehicular traffic on a public street or highway until all vehicular traffic previously delayed by train movements has been cleared.

The statute also prohibits railroad employees from allowing the activation of active traffic control devices at a railroad grade crossings for more than 2 minutes if there is no intention to move a train or track equipment through the crossing within 20 seconds to 60 seconds after the activation of the devices. Mich. Comp. Laws Ann. § 462.391 (1999).

Penalty

Each offense under the section is a separate violation punishable by a fine of not more than five hundred dollars unless the railroad is willfully, deliberately and negligently blocking the crossing, in which case the fine shall be not more than one thousand dollars plus the cost of prosecution. Mich. Stat. Ann. § 462.391 (1999).

MINNESOTA

No railroad corporation shall permit a public road or street crossing a railroad track to be closed for traffic by a standing car, train, engine, or other railroad equipment, or by switching movement which continuously blocks a crossing for longer than ten minutes. This section does not apply to cities of the first class which regulate obstruction of streets by ordinance. Minn. Stat. § 219.383 (3) (1998).

Penalty

Any railroad violating this section is guilty of a petty misdemeanor. A second or subsequent violation is a misdemeanor. Minn. Stat. 219.383(4)(1998).

MISSISSIPPI

Mississippi allows a train to block a highway crossing for a maximum of five minutes. In the case of a street within a city, town or village blocked crossings are controlled by local ordinance. Miss. Code Ann. § 77-9-235 (1999).

No member of a train crew, yard crew or engine crew of a railroad shall be held criminally responsible or found guilty of violating any state law or of any municipal ordinances regulating or intended to regulate the blocking of any street, road or highway grade crossings by train or passenger or freight cars if there is reasonable proof that the blocking was necessary to comply with orders or instruction, either written or oral, of his employer or its officers or supervisory officials. Miss. Code Ann. § 77-9-236 (1999).

Penalty

A railroad company may be liable for a fine of fifty dollars for each offense. The conductor in charge of a train may be liable for a fine of not less than twenty-five nor more than fifty dollars if convicted. See Miss. Code Ann. § 77-9-235 (1999).

MISSOURI

No member of a railroad train or yard crew shall be held criminally guilty of any responsibility of violating a state law or any municipal ordinance regulating the occupying or blocking of any street or highway railroad crossing-at-grade by trains or cars, when there is reasonable proof that the action was necessary either written or verbal instructions of his employer. Mo. Rev. Stat. § 71.013 (1999).

Penalty

Every person, firm, company, or corporation, operating a railroad as a common carrier in the State of Missouri and violating the provisions of this section, shall be fined not less than fifty dollars for each separate offense. Mo. Rev. Stat. § 71.013 (1999).

MONTANA

Montana permits operation of a train to block a crossing for no more than fifteen minutes at any one time. Mont. Code Ann. § 69-14-626 (1999).

Penalty

Montana considers this offense a misdemeanor, and any corporation, association or company found guilty may be punished by a fine of not less than twenty five nor more than one hundred dollars. Mont. Code Ann. § 69-14-626 (1999).

NEBRASKA

Nebraska has no applicable statute.

NEVADA

Nevada has no applicable statute.

NEW HAMPSHIRE

New Hampshire permits a train to block a crossing for no more than five minutes at one time without authority from the Department of Transportation. N.H. Rev. Stat Ann. § 373:15 (1999).

The Department of Transportation, upon petition, notice and hearing, may fix the maximum time for the occupancy of a highway-rail grade crossing, but in any case it will not exceed nine minutes. The time for maximum occupancy may also be set by the Commissioner of the Department of Transportation. N.H. Rev. Stat. Ann. § 373:16 (1999).

Penalty

New Hampshire law states:"Any person who violates the provisions of any preceding sections (373:15 and 373:16) or of any order of the Department of Transportation made hereunder, shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person, unless otherwise specifically provided." N.H. Rev. Stat. Ann. § 373:17 (1999).

NEW JERSEY

Only one single reference was found concerning blocked crossings: "No employee of a steam or electric railroad company shall operate a locomotive, train or crossing gate in such a manner as to unnecessarily prevent or interfere with the use of a highway for the purpose of travel." N.J. Rev. Stat. § 39:4-94 (1999).

NEW MEXICO

New Mexico has no applicable statute.

NEW YORK

New York permits a train to block a highway-rail crossing for no more than five consecutive minutes, except in situations where the railroad has no control or where the train cannot be moved without endangering the safety of the passengers, public or freight. N.Y. [R.R.] Law § 53-c (McKinney 1999).

Penalty

A violation of this statute is punishable by a fine of not more than one hundred dollars or imprisonment for not more than fifteen days or both. Provided however, that no owner, officer or employee of a railroad corporation will be subject to a criminal or civil penalty if he had no control over the situation causing the obstruction or the train could not be moved without endangering the safety of the passengers, public or freight. See N.Y. [R.R.] Law § 53-c (McKinney 1999).

NORTH CAROLINA

North Carolina has no applicable statute.

NORTH DAKOTA

North Dakota law allows a train to block a crossing for no more than ten consecutive minutes. Exceptions include the following situations:

- 1) When necessary to comply with safety signals.
 - 2) In order to avoid striking any object or person on the track.
 - 3) When the train is disabled by accident or otherwise.
 - 4) While in motion, except for switching operations.
 - 5) When no vehicular traffic is waiting to use the crossing.
 - 6) When in compliance with a government statute or regulation.
- N.D. Cent. Code, § 40-11-19 (1999).

Penalty

In North Dakota, any person who violates the statute is guilty of an infraction. The relevant code section has no application to cities having pre-existing obstruction ordinances. N.D. Cent. Code § 40-11-19 (1999).

OHIO

Ohio permits a train to block a crossing for five minutes when vehicles are waiting to use the crossing. Ohio exempts moving trains not engaged in switching operations from the blocked crossing rule.

Exceptions are also made for emergencies or circumstances beyond the control of the railroad. Ohio Rev. Code Ann. § 5589.21 (Baldwin 1999).

Penalty

The code section mentions no specific penalty, but does specify the manner in which summons can be served. Ohio Rev. Code Ann. § 5589.21 (Baldwin 1999). Ohio Rev. Code Ann. § 2935.10 (Baldwin 1999).

OKLAHOMA

Oklahoma has no applicable statute.

OREGON

The authority to fix and regulate the length of time a public highway-rail grade crossing may be blocked by railroad equipment is vested exclusively in the state.

Upon petition of the public authority in interest, or of any railroad or upon the Department of Transportation's own motion the Department shall, after due investigation and hearing, enter an order fixing and regulating the length of time a public railroad-highway grade crossing may be blocked.

The time limits fixed by the Department shall be maximum time limits and shall be commensurate with reasonable requirements of train and vehicular traffic operations. Or. Rev. Stat. § 824.822 (1999).

Penalty

Violators are punishable, if convicted, by a fine of not less than one hundred nor more than three thousand for each offense. Or. Rev. Stat. § 824.222 (1999).

PENNSYLVANIA

Pennsylvania does not specify the amount of time that a crossing is permitted to be blocked. The statute does have a couple of references to blocked crossings

Penalty

It is a summary offense for any railroad to continue to block a private crossing used by nearby occupants of land or farms for work trips. The railroad must be given at least fifteen minutes notice to remove its rolling stock. 18 Pa. Stat. Ann. § 6908 (1999).

Pennsylvania law makes it a summary offense for any railroad to obstruct or block the passage of a highway or obstruct any crossing with its rolling stock. 18 Pa. Stat. Ann. § 6907 (1999).

RHODE ISLAND

Rhode Island expressly prohibits trains from blocking crossings for more than five minutes. R.I. Gen. Laws § 39-8-4 (1999).

Penalty

For each violation, a railroad corporation may be fined not less than twenty five nor more than one hundred dollars. R.I. Gen. Laws § 39-8-4 (1999).

SOUTH CAROLINA

South Carolina permits standing trains to block crossing for a maximum of five minutes. The person in charge of the train must be notified before the five minutes commence. S.C. Code Ann. § 57-7-240 (Law. Co-op. 1998).

Penalty

For every such offense, a person shall pay not less than five nor more than twenty dollars. It is considered a new offense for every twenty-four hour period the blockage continues. S.C. Code Ann. § 58-17-4080 (Law. Co-op. 1998).

SOUTH DAKOTA

South Dakota prohibits trains from blocking any street, road or highway-rail crossing for more than twenty consecutive minutes if it is blocking the path of an emergency vehicle. The state makes exceptions if the train is disabled by accident or otherwise, or if it cannot be moved without striking an object or a person on the track. S.D. Codified Laws Ann. § 49-16A-119 (1999).

Penalty

South Dakota law considers a violation of this section a Class 2 misdemeanor. S.D. Codified Laws Ann. § 49-16A-119 (1999).

The state exempts railroad employees from liability if the blockage was necessary under state and federal rules. S.D. Codified Laws Ann. § 49-16A-94 (1999).

TENNESSEE

Tennessee has no applicable statute.

TEXAS

Texas law prohibits a blocked crossing for more than five minutes. This law applies only to a stopped train and is addressed to any officer, agent, servant or receiver of a railroad corporation. Local ordinances may allow passenger trains to stand for the purpose of receiving or discharging passengers, mail,

express, or freight for a longer period than five minutes. Tex. [Transp] Code Ann. § 471.008-471.007 (West 1999).

Penalty

Violators are guilty of a misdemeanor punishable by a fine of not less than five nor more than one hundred dollars. Tex. [Transp] Code Ann. § 471.007 (West 1999).

UTAH

Utah prohibits a crossing from being blocked for more than five consecutive minutes. Exceptions are made for the following situations:

- 1) When complying with signals affecting safety of movement.
- 2) When avoiding striking any object or person on the tracks.
- 3) When the train is disabled.
- 4) When the train in motion is engaged in switching operations.
- 5) When there is no vehicular traffic waiting.
- 6) When complying with government safety regulations.

Utah Code Ann. § 41-6-95.5 (1999).

VERMONT

Vermont expressly prohibits trains from blocking crossings for more than five minutes at a time at a highway or road required for private or farm use. Vt. Stat. Ann. tit. 5, §3587 (1999).

Vermont has a second section of the statute that deals with willful or negligent obstruction of a public highway or farm crossing, but it specifies no time limit. Vt. Stat. Ann. tit.5, §3586 (1999).

Penalty

If convicted of a violation of Section 3587, a person or corporation may be fined not less than five nor more than fifty dollars. Vt. Stat. Ann. tit.5, § 3587 (1999).

If a violator is convicted of Section 3586, the fine may be not less than five nor more than twenty dollars. Vt. Stat. Ann. tit.5, § 3586 (1999).

VIRGINIA

Virginia law prohibits trains from blocking crossings for more than five minutes at a time. It allows exceptions for breakdown, mechanical failure or emergencies. Va. Code Ann. § 56-412-1 (Michie 1999).

Penalty

Upon conviction, a railroad company or individual may be fined not less than one hundred nor more than five hundred dollars, with an additional proviso that the fine could be one hundred dollars for each minute beyond the permitted time. In any case, the total may not exceed five hundred dollars. Va. Code Ann. § 56-412.1 (Michie 1999).

WASHINGTON

Washington has no applicable statute.

WEST VIRGINIA

West Virginia prohibits trains from blocking crossings for longer than ten minutes, except in an emergency when the train is continuously moving or in the event of circumstances beyond the control of the railroad. However, this rule does not preempt any local ordinances. W. Va. Code § 31-2A-2 (1999).

WISCONSIN

Except outside cities, it is unlawful for a railroad train to block a crossing in Wisconsin longer than ten minutes. Wis. Stat. § 192.292 (1999).

Penalty

A violation of the statute may result in a fine not to exceed twenty-five dollars or imprisonment of not more than fifteen days. Wis. Stat. § 192.292 (1999).

WYOMING

Wyoming has no applicable statute.